

**ENTERED**

February 17, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CURTIS R. RADICK,

Plaintiff,

v.

UNION PACIFIC CORPORATION  
d/b/a UNION PACIFIC RAILROAD,

Defendant.

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CIVIL ACTION NO. H-14-2075

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND GRANTING  
MOTION FOR SUMMARY JUDGMENT**

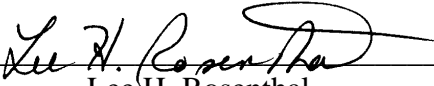
This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on January 25, 2016, and has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). This court finds that the Memorandum and Recommendation should be, and is, adopted as this court's Memorandum and Order.

This court has considered and overruled the objections filed by the plaintiff, Curtis Radick, noting that the documents Mr. Radick cites for the first time in support of his objections were available when he responded to the defendant's summary judgment motion, yet Mr. Radick does not explain why he did not submit them in his response. These documents also undermine his argument that he was denied these documents during discovery and did not receive an extension of time to obtain them. Even if he had submitted the documents he relied on his objections, the outcome would not change. The documents show that the other disciplined employees negotiated the resolution of

the discipline issue they faced, but do not support an inference of a pretext for motivating factor in a discriminatory discharge or a pretext for retaliation.

This court grants the defendant's motion for summary judgment, Docket Entry No. 16, and, by separate order, enters final judgment dismissing this case with prejudice.

SIGNED on February 17, 2016, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge